

United States Bankruptcy Court
Eastern District of Michigan
Southern Division

In re:

Gregory and Diane Tankersley,
Debtors.

Case No. 04-32402
Chapter 7

_____/

Timothy Hammond, et al.,
Plaintiffs,

v.

Adv. Pro. 05-4240

Gregory and Diane Tankersley,
Defendants.

_____/

Order Dismissing Adversary Proceeding

This matter is before the Court on the Court's March 28, 2005 Order to Show Cause. The order requires plaintiffs to show cause why this adversary case should not be dismissed as moot. In this adversary complaint, the plaintiffs seek a judgment of nondischargeability pursuant to 11 U.S.C. § 523(a)(4) and 523(a)(6). On February 18, 2005, the debtors' discharge was denied. "[I]f Debtor is denied a general discharge, the issue of dischargeability of a particular debt is moot." *McLaughlin v. Jones (In re Jones)*, 114 B.R. 917, 921 (Bankr. N.D. Ohio 1990).

Accordingly, this adversary proceeding is dismissed.

_____/s/_____
Steven Rhodes
Chief Bankruptcy Judge

Entered : July 27, 2005

cc: John L. Topping, Jr. Robert Horvath
Samuel Sweet Hugh Davis

Not for Publication